

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - TXT-36170 - APPLICANT/OWNER: CITY OF LAS VEGAS**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: APPROVAL**

1. Title 19.08.030(F) is hereby amended as follows:

(F) Grading and Soil Stabilization.

- (1) Grading Plan Approval - When Required. When the natural grade of a lot is proposed to be raised more than two feet at any point from existing grade, three copies of a finished lot grading plan and legal description of the property shall be filed with the Department of Public Works and the Department of Planning and Development. The plan shall include proposed and existing grades, building locations, and building height information for the development site and for the adjacent properties, and any justification for the proposal. The Director of Public Works may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal is necessary in order to develop the site in a manner which conforms to applicable drainage and other development standards. The Director of Planning and Development may withhold or deny development approval unless the applicant demonstrates to the Director's satisfaction that the proposal will not be incompatible or out of harmony with the surrounding area.
- (2) Grading Plan--Appeal of Denial. The applicant may appeal to the City Council any final decision rendered pursuant to Subsection (1) of this Section. In connection with the appeal, the City may require notification of surrounding property owners. The City may charge a fee for the appeal and for any required notification in accordance with the Fee Schedule.
- (3) Soil Stabilization – All parcels of vacant, undeveloped, and/or abandoned land shall either be fenced pursuant to LVMC 19.12.075 (K) to minimize land disturbance or shall use measures prescribed by the Clark County Department of Air Quality & Environmental Management (DAQEM) to provide adequate soil stabilization and dust control.

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2. Title 19.08.050(E)(4)(a) is hereby amended as follows:

(a) Interior Screen Walls.

- (i) Service and loading areas shall be screened by the use of walls or dense landscaping, or both, that will serve as both a visual barrier and a noise barrier. In no instance shall the screening be less than eight feet in height, and it may be required to be higher depending on the use to be screened. Walls shall be architecturally integrated into the design of the development.
- (ii) Prohibited Materials. Unless otherwise approved as part of an overall development plan, the following materials are not acceptable for use as screening walls or fences:
  - a. Chainlink or open wire fencing (except as temporary construction fencing or fencing for vacant or abandoned parcels);
  - b. Razor wire or barbed wire;
  - c. Corrugated metal;
  - d. Colored plastic;
  - e. Untextured or unfinished concrete or block (CMU) walls; and
  - f. Pointed post fences.

3. Title 19.12.075(H) is hereby amended by adding hereto a new Section (J) as follows:

(H) Materials. Unless otherwise approved as part of an overall development plan, the following materials shall not be acceptable for use as screen or perimeter walls:

- (1) Chainlink or open wire fencing (except as temporary construction fencing or fencing for vacant or abandoned parcels);
- (2) Razor wire or barbed wire (except as may be approved under the procedures set forth in the City's Building Code);
- (3) Corrugated metal;
- (4) Bright colored plastic; and
- (5) Untextured or unfinished concrete or block (CMU) walls.

4. Title 19.12.075 is hereby amended by adding hereto a new Section (J) as follows:

J. Temporary Construction Fencing. The temporary fencing of construction sites shall be subject to the following requirements:

- 1. Temporary construction fencing shall only be permitted in conjunction with an approved building permit for a structure or structures.
- 2. Any exposed plywood utilized for construction fencing shall be painted.
- 3. Any chain link or open wire fencing must utilize privacy screening to screen and protect passersby from the construction activities and mitigate visual intrusion into adjacent properties and rights-of-way.

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4. No signage is to be placed on the temporary construction fencing at any time, unless in conjunction with an approved Temporary Sign Permit.
5. Temporary construction fencing shall not be allowed to encroach into public rights-of-way, except as otherwise approved by the City Traffic Engineer or designee.
6. Temporary construction fencing shall be a minimum of six feet in height and shall not exceed a maximum of eight feet in height.
7. Temporary construction fencing and screening material shall not interfere with the required sight visibility restriction zones (SVRZ).
8. Gates shall not open into the public right-of-way and shall have sufficient throat depth for the queuing of traffic outside of the public right-of-way.
9. Sidewalk closures with pedestrian detouring will not be permitted unless authorized by the City Traffic Engineer.
10. In the event that the building permit required in Subsection (1) above expires or is revoked, the construction site shall be secured pursuant to Section (K) of this Subchapter.

5. Title 19.12.075 is hereby amended by adding hereto a new Section (K) as follows:

K. Fencing for Vacant or Abandoned Parcels. The fencing of vacant or abandoned parcels shall be subject to the following requirements:

1. A minor site plan review will be conducted as part of the permit review process. In addition to the documentation required for the application and issuance of a wall/fence permit by the Department of Building and Safety, the following additional documentation is required:
  - a. A complete site plan detailing the location of all fencing, and
  - b. Elevation drawings that depict the fencing and specify fencing materials, screening materials, and heights
2. Any chain link or open wire fencing may utilize privacy screening to mitigate visual intrusion into adjacent properties and rights-of-way.
3. No signage is to be placed on the fencing at any time, unless in conjunction with an approved Temporary Sign Permit.
4. Fencing shall be a minimum of six feet in height and shall not exceed a maximum of eight feet in height.
5. Fencing and screening material shall not interfere with the required sight visibility restriction zones (SVRZ)
6. A permit issued for the fencing of a vacant or abandoned parcel shall be valid for a period of one year. Any extension of this time limit must be approved by the application and issuance of a new wall/fence permit.

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**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request to amend standards related to wall and fencing materials to provide standards for the temporary fencing of vacant parcels and construction sites. Additionally, this amendment will provide a requirement for all vacant, undeveloped, and/or abandoned parcels of land to either fence the property pursuant to the new “Fencing of Vacant or Abandoned Parcels” standards, or to ensure soil stabilization and dust control using the methods approved by the Clark County Department of Air Quality & Environmental Management (DAQEM).

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
11/05/09	The Planning Commission held this item in abeyance at the applicant’s request to allow additional time for city staff the review the amendment.

Pursuant to Title 19.08.050 and 19.12.075 chain link or open wire are not permitted materials for walls or fences except as temporary construction fencing. There are no standards that address temporary construction fencing. No allowance is currently made regarding the use of chain link or open wire fencing for securing a vacant or abandoned parcel of land.

**ANALYSIS**

Current zoning regulations do not include predevelopment standards applicable to the sites that are undeveloped, vacant or abandoned. Land that is undeveloped, vacant or abandoned can present many community concerns, including issues related to dust control, land disturbance and soil stability. The proposed addition to Section 19.08.030(F) will require that all such undeveloped, vacant land or abandoned parcels of land within the city either are fenced to the standards being proposed for the “Fencing of Vacant or Abandoned Parcels” (discussed below) or that appropriate soil stabilization and dust control measures approved by Clark County DAQEM be employed. This requirement will among other things reduce soil compaction, land disturbance and dust production, thus improving air quality. Additionally, the standard proposed here supports Policy 4.1.2 of the Conservation Element of the Las Vegas 2020 Master Plan as it relates to air quality and the stabilization of soils awaiting development.

Currently, an exception is made within the prohibited/unacceptable materials lists [found in Title 19.08.050(E)(4)(a)(ii) and Title 19.12.075(H)] for chain link or open wire fencing when such is used for temporary construction fencing but no standards exist within the Zoning Code for temporary construction fencing. The proposed amendment would add language to Title

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19.12.075 establishing the applicability, standards and submittal requirements for temporary construction fencing. The proposed new Section (J) of Title 19.12.075 would require that temporary construction fencing can only be placed in conjunction with an approved building permit for a structure or structures and that should the building permit expire then the property owner must secure the property as outlined in the proposed Section (K) of Title 19.12.075.

In addition to standards applicable to temporary construction fencing, this amendment proposes to add standards for the fencing of vacant or abandoned parcels. Current standards do not allow for material, such as chain link, that is of a more temporary, low cost nature for the securing of vacant or abandoned lots. These lots must currently meet the code standards for materials, heights and screening applicable to developed parcels; including requirements that the walls/fencing be decorative with at least 20 percent contrasting material and match the design of any abutting perimeter walls. Unsecured vacant or abandoned parcels have the potential to become an attractive nuisance as used in Chapter 9.04 (Nuisances). By adding requirements and standards for the fencing of vacant or abandoned parcels, it will be easier for property owners to secure their properties to deter nuisance activity on those sites until such time as the property is developed or occupied. A permit would be required annually to continue to secure a vacant or abandoned parcel in the manner proposed by this amendment.

## **FINDINGS**

The proposed text amendment will accomplish the following:

- Codify current procedures relative to temporary construction fencing.
- Make provisions to address the needs of property owners who wish to secure vacant lots and abandoned parcels until such time as they are developed and occupied.

The following table summarizes all proposed changes:

<b>Code Requirements</b>	<b>Existing Regulations</b>	<b>Proposed Regulations</b>
Title 19.08.030 (F) – Development Standards: General – Grading	<ul style="list-style-type: none"> <li>• Deals with the approval and appeal of a denial for a grading plan</li> </ul>	<ul style="list-style-type: none"> <li>• Adds a subsection for soil stabilization that requires fencing or CC DAQEM measures</li> </ul>
Title 19.08.050 (E)(4)(a) – Urban Design, Screening and Lighting: Screening and Lighting –Interior Screen Walls: Prohibited Materials	<ul style="list-style-type: none"> <li>• Chain link is prohibited except as temporary construction fencing</li> </ul>	<ul style="list-style-type: none"> <li>• Added fencing of vacant or abandoned parcel to the exception notation for chain link</li> </ul>
Title 19.12.175 (H) – Wall Standards: Materials	<ul style="list-style-type: none"> <li>• Chain link is listed as an unacceptable material except as temporary construction fencing</li> </ul>	<ul style="list-style-type: none"> <li>• Added fencing of vacant or abandoned parcel to the exception notation for chain link</li> </ul>

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Title 19.08.050 (J) – Wall Standards: Temporary Construction Fencing	• No Standards	• Adds new Section that specifies requirements and standards for temporary construction fencing
Title 19.08.050 (K) – Wall Standards: Fencing for Vacant or Abandoned Parcels	• No Standards	• Adds new Section that specifies requirements and standards for fencing of vacant or abandoned parcels

**NOTICES MAILED**                      NEWSPAPER ONLY

**APPROVALS**                                      0

**PROTESTS**                                        0